

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DORIS POLANSKY, an adult individual;	)	
and TIMOTHY POLANSKY, her husband,	)	
Plaintiffs,	)	
	)	
vs.	)	Civil Action No. 13-296
	)	
VAIL HOMES, LLC, a Maryland	)	Judge Terrence F. McVerry/
limited liability Company, and	)	Chief Magistrate Judge Maureen P. Kelly
MOUNTAINEER LOG AND SIDING	)	
COMPANY, INC., a Maryland Corporation;	)	
CHRISTOPHER MEERSCHAERT;	)	
TIMOTHY MEERSCHAERT,	)	
Defendants.	)	
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MOUNTAINEER LOG AND SIDING	)	
COMPANY, INC. <i>a Maryland corporation,</i>	)	
Cross-Claim Plaintiff,	)	
	)	
vs.	)	
	)	
VAIL HOMES, LLC,	)	
Cross-Claim Defendant.	)	

**ORDER**

AND NOW, this 25th day of November, 2014, after Plaintiffs, Doris Polansky and Timothy Polansky, filed an action in the above-captioned case, and after a Motion for Partial Dismissal of Plaintiffs' Third Amended Complaint or, in the Alternative, Motion for Summary Judgment (ECF No. 79) was submitted by Mountaineer Log and Siding Company, Inc., and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until November 13, 2014, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion for Partial Dismissal of Plaintiffs' Third Amended Complaint or, in the Alternative, Motion for Summary Judgment [ECF No. 79] is granted in part and denied in part. The motion is granted as to Plaintiffs' claims under the UTPCPL for statements made by Mountaineer regarding Vail Homes *prior* to the execution of the Purchase Contract. However, the motion is denied as it relates to Plaintiffs' claim under the UTPCPL for statements and representations made by Mountaineer *after* the Purchase Contract was executed.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

/s/ Terrence F. McVerry  
United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

All Counsel of Record Via CM-ECF